



DAE #16

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PTO/SB/65 (01-05)

Approved for use through 5/31/2006. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax: (703) 872-9306

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JAN 09 2006

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NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

01/29/2007 CKHLOK  
00000007 5850522

Patent No. 5,850,522 Application Number 08/633,839  
Issue Date 12/15/98 Filing Date 4/10/96

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

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1150.00 OP

Also complete the following information, if applicable

The above-identified patent:

☐ is a reissue of original Patent No. \_\_\_\_\_ original issue date \_\_\_\_\_;  
original application number \_\_\_\_\_,  
original filing date \_\_\_\_\_.

☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international  
application \_\_\_\_\_ filed on \_\_\_\_\_.

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**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is  
(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR  
(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

8-22-05

Date

  
Signature

LOUISE J. WANNIER  
Typed or printed name of person signing Certificate

01/06/2006 SLUANG1 00000021 5850522

01 FC:1599

1150.00 OP

Adjustment date: 01/09/2007 CKHLOK  
01/06/2006 SLUANG1 00000021 5850522

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[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## 1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

| NOT Small Entity                  |               |        | Small Entity                                      |               |        |
|-----------------------------------|---------------|--------|---|---------------|--------|
| Amount                            | Fee           | (Code) | Amount  | Fee           | (Code) |
| <input type="checkbox"/> \$ _____ | 3 1/2 yr fee  | (1551) | <input checked="" type="checkbox"/> \$ <u>450</u> | 3 1/2 yr fee  | (2551) |
| <input type="checkbox"/> \$ _____ | 7 1/2 yr fee  | (1552) | <input type="checkbox"/> \$ _____                 | 7 1/2 yr fee  | (2552) |
| <input type="checkbox"/> \$ _____ | 11 1/2 yr fee | (1553) | <input type="checkbox"/> \$ _____                 | 11 1/2 yr fee | (2553) |

MAINTENANCE FEE BEING SUBMITTED \$ \_\_\_\_\_

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 700

## 5. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of \$ \_\_\_\_\_

☐ Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_. A duplicate copy of this authorization is attached.

☒ Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. \_\_\_\_\_. A duplicate copy of this authorization is attached.

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**7. OVERPAYMENT**

As to any overpayment made please

☐ Credit to Deposit Account No. \_\_\_\_\_

OR

☐ Send refund check.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**8. SHOWING**

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

**9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.**

*Louise J. Wannier*  
Signature(s) of Petitioner(s)

8-22-05  
Date

LOUISE J. WANNIER  
Typed or printed name(s)

Registration Number, if applicable

1446 ROSE VILLA STREET  
Address

626-675-8541  
Telephone Number

PASADENA CA 91106  
Address

**ENCLOSURES:**

☐ Maintenance Fee payment

☒ Statement why maintenance fee was not paid timely

☐ Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)

☒ Other: Payment by Credit Card PTO-2038

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

Louise J. Wannier  
Signature

8-22-05  
Date

LOUISE J. WANNIER  
Typed or printed name

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

Attached on page following

(Please maintain privacy of attached statement  
except where required by law).

(Please attach additional sheets if additional space is needed)

August 22, 2005

(PLEASE KEEP THIS STATEMENT PRIVATE)

STATEMENT of Unavoidable Delay related to the following Patents which have expired:

I am one of the patent principals for the above patents. The unavoidable delay was due to our company going into bankruptcy and due to my personal medical situation.

The patents were filed under Enfish Technology (formerly Dex Information Systems), which was subsequently (in November 2000) acquired by Enfish Corporation. Enfish Corporation filed bankruptcy (see attached) with debts exceeding \$3 million in August, 2004. The assets of Enfish Corporation were sold in a public sale in June, 2004 to LJM Corporation, the company I formed with the other secured creditors to attempt to rescue our financial interest. Enfish had closed its offices and was only operating the web site from October, 2003. Enfish was unable to pay any operating expenses from approximately June, 2003, except for rent at the new location and incidentals. The employees were all working for deferred compensation while we attempted to find a financing solution for the company, which unfortunately failed.

At the same time, in May, 2003, I was diagnosed with an invasive breast cancer and had to undergo surgery and chemotherapy that extended with subsequent surgeries throughout 2004. I was distracted from the details of the business during this time, and this contributed to the unavoidable delay.

I did not realize until I finally met with the former patent counsel, and acquired the patent records which were in their offices in DC, that we were out of date on these three patents. I am filing for reinstatement and personally making these payments for these patents which we invested significant funds in developing (over several million dollars). It would represent a significant financial loss not to have these patents reinstated.

Please call me at 626 675 8541 with any questions regarding this statement. I am very happy to furnish complete financial records to substantiate all of these points.

Sincerely yours,



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